(2)

FILED
JUN 6 - 2007
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No.

IN THE

SUPREME COURT OF THE UNITED STATES

Delaney E. Smith Jr.,M.D. Pro Se
Stephanie Smith R.N. Pro Se

Petitioners

v.

Los Angeles County Counsel Raymond Fortner Esq., Susan Tsou Esq.. Valerie Wiles Esq.; Los Angeles County Department of Children and Family Services, Regional Director Charles Tadlock, Janice Spicer [Social Worker]; Los Angeles County Harbor UCLA Medical Center, et. al,

IN MATTER RE: MICHAEL D. SMITH JR., A MINOR,

NOTIFICATION OF ERROR; WITH REQUEST FOR ORDER

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Supplemental brief

PETITION FOR WRIT OF CERTIORARI

DELANEY E. SMITH JR.,M.D.
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QUESTIONS PRESENTED

(1) Whether District Court Judge Lew should have considered Motion For Recusal Prior to Remand [Attempt] to the State Court, or "sua sponte" as a re-quirement under ***Title 28 U.S.C. sec. 455 (a)?***

(2) Whether Appeals Court Erred in overlooking post-removal laws, which provide that post removal conduct is reviewable thereby causing entire matter to be reviewable?

(3) Whether Superior court judge Margaret Henry and Los Angeles County Counsel engaged in judicial and attorney improprieties, in ignoring federal post-removal laws that require cessation of state court entertainment of case following removal to federal court system, which thereby resulted in violations of *Due Process under 14th Amendment of United States Constitution and Rights to Familial Association, and Illegal Detention of a U.S.* Citizen.

(4) Whether state law(s) granting immunity for reckless, behaviour, for those responsible for creating reports of child abuse is unconstitutional, contravene federal laws of protection, in violation of the ***United States Constitution 14th Amendment Protection, for which remedy is available through 42 U.S.C section 1983??***

PARTIES TO THE PROCEEDINGS

Delaney E. Smith Jr., Pharm.D..M.D. and Stephanie Smith R.N. [Nominated Guardian-Grandparents – Pursuant to California Probate sec 2108 (a); and [Pending Senate Bill S.661 Title III sec, 301 Kinship Caregiver Support Act InGeneral Section 471 (a)(19) of the Social Security Act 42 U.S.C. 671 (a) (19) – Amended (effective date 10/1/07).

Petitioners,

v.

Los County Counsel Raymond Fortner Esq., Lloyd Pellman Esq. Susan Tsou Esq., Valerie Wiles Esq., Los Angeles County Department of Children and Family Services, Regional Director Charles Tadlock, Janice Spicer,[Scoial Worker] Los Angeles County Harbor UCLA Medical Center, Frederick Mishkin M.D.

Respondants,

Page 12. – Under Facts of Case should read.... "On October 15, 2005 there was.....

Request For Order:

It is respectfully requested that the Supreme Court issue an Order to Superior Court that there should be cessation, of that court's entertaining any aspect of the case now before the U.S. Supreme Court until there is a ruling pertinent to the Petition for Writ of Certioarari to the United States Supreme Court. As set forth therein, following the refusal of the judge to accept recusal request; and subsequent removal to federal court on 6/22/05 judge Henry at juvenile court continued to hold hearings

The most recent hearing, was held on 5/31/07 at which time a copy of Petition For Writ of Certiorari was served on the [judge's] Clerk, Ms. Hardy who said that she was not going to file the document, or issue stamped copy to Dr. Smith ...as judge Henry left the bench [shaking her head seemingly in frustration]. The attorney for father Michael Smith Sr; had earlier in the hearing informed the court that parties were present for a limited appearance because the case had been removed to federal court; which as usual was ignored by judge Henry.

Circumstances of judicial and attorney fraud resulting in fraud upon the court, gave rise to related rights for petitioners to remove case to any court of equity which in this case was the district court. In the state of California Superior Court Probate Court holds jurisdictional authority over cases, legal guardianship and adoption cases. The nominated guardian grandparents were notified in February 2006 that their home was more than adequate for placement by DCFS supervisor Stephanie Hargas, following the recommendation of social worker Jennifer Boemke.

Placement at that time was disrupted by county counsel, who indicated that they first wanted to review the file to be sure that there were no contradictory rulings by the judge. Since that time there has been no explanation from county counsel, as DCFS supervisors and most recently social worker Ruth Frazier has continued to recommend placement with the grandparents, until such time that the parents mature, complete more of their education in that the mother is still in highschool. This is a case inwhich the judge told the mother, that there was no evi-dence that she had done anything to harm the baby. A state of California overturned judge Henry's ruling that the father had caused the injuries as the Appeals court found that there was no evidence to support the judges conclusion [see Writ].

There is a related scheduled hearing for June 8, 2007 at: Superior Court –Los Angeles County 1725 Main Street Santa Monica, California 90401 [Case No. SP007143]. However, because the Juvenile Court- Superior Court located 201 Centre Plaza Drive [Room #420] Monterey Park California 91754...presiding judge Margaret Henry continues to hold hearings, inspite of the removal... at the most recent hearing in Probate Court at Santa Monica, on May 18, 2007 judge indicated that he could not act on the grandparents request to have the child returned to Los Angeles County from which he had ben illegally removed, and placed with grandparents without a court order.

It is respectfully requested that on an urgent basis, Supreme Court orders court at Monterey Park to stop all related heaings and vcacate all post removal rulings,[after 6/22/06] and to immediately release child to custody of grandparents Dr. and Mrs. Smith as per recommendation of DCFS social worker Mrs. Ruth Frazier (310) 348-6817. **There is medical urgency for purpose of evaluation in 19 month old child still not talking.**

Prayerfully Submitted on June 5, 2007

By:_____
Delaney E. Smith Jr.,Pharm.D.,M.D.